THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.17852 of 2005

1st December, 2005

Between:

M.A.Khadher

…Petitioner

and

A.P.S.R.T.C. rep. by its Managing Director,

Musheerabad,Hyderabad and others.

…Respondents

O R D E R:

The petitioner was employed as a Driver in the A.P.S.R.T.C. With effect from 05.04.2005, he was kept on forced leave, on the ground that during the course of medical examination his vision was found defective. Petitioner states that he submitted resignation on 22.04.2004, and the respondents, in turn, have informed him through letter, dated 23.04.2004, that he has been retired from service with effect from that date. The grievance of the petitioner is that he has not been extended the additional monetary benefits covered by Circular dated 08.10.2003.

In the counter affidavit filed by the respondents, it is stated that the petitioner was not extended the benefit under the said order, since the Government did not approve the scheme contained in it. It is urged that the petitioner was already extended the benefits, which she was entitled to the relevant Circular.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The petitioner was retired with effect from 23.04.2004, much before he attained the superannuation, on the ground that he is medically unfit. In such cases, the

Corporation is under obligation to extend certain benefits. With a view to rationalize the matter, a Circular, dated 08.10.2003, was issued, providing for certain benefits. However, the benefit thereunder was not extended to the petitioner, on the ground that the Government has not yet approved it. Whatever may have been justification for the respondents in not extending the said benefit, the matter needs to be reconsidered now. The reason is that the Corporation issued Circular, dated 26.08.2005, stating that the Government has since accorded its approval for the Circular, dated 08.10.2003, and that the scheme thereunder shall have to be implemented with effect from 08.10.2003. Admittedly, the petitioner retired subsequent to that date.

Therefore, the writ petition is disposed of directing the respondents to extend the benefit under Circular, dated 08.10.2003, read with Circular, dated 26.08.2005, to the petitioner, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

1st December, 2005

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